

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING DIVISION**

MARK MCEVOY, *et al.*,
Plaintiffs,

v.

DIVERSIFIED ENERGY COMPANY PLC,
et al.,
Defendants.

Civil Action No. 5:22-cv-00171-JPB
Judge John P. Bailey

**DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS
FOR FAILURE TO JOIN REQUIRED PARTIES**

Pursuant to Federal Rule of Civil Procedure 12(c), Defendants move the Court for judgment on the pleadings following Plaintiffs' failure to join necessary parties under Federal Rule of Civil Procedure 19. Plaintiffs have failed to join West Virginia's Department of Environmental Protection and thousands of mineral owners whose interests will be terminated as a result of Plaintiffs' claims. Disposition of this case in their absence will leave the Court unable to accord complete relief, impair or impede the non-parties' ability to protect their interests, and expose Defendants to the risk of inconsistent obligations. For these reasons, and those more fully set forth in the accompanying Memorandum in Support of Defendants' Motion for Judgment on the Pleadings for Failure to Join Required Parties, the Court should grant this motion and dismiss Plaintiffs' claims or, in the alternative, join these necessary parties.

Respectfully submitted:

Dated: May 10, 2023

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 10, 2023, a copy of the foregoing was served on all counsel of record via the Court's electronic filing system.

/s/ Howard M. Persinger, III
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